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W.P.No.2308 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.2308 of 2023

M/s.Latif Estate Line India Limited
Rep by Mohamed Zaid,
Assistant Manager of the Company
'Latif Centre' No.16, Millers Road,
Kilpauk, Chennai – 600 010.

.. Petitioner

Vs.

- 1.The Collector
District Collector,
Chengalpattu - 603 001.
- 2.The District Revenue Officer
Office of the District Revenue Officer,
Chengalpattu - 603001.
- 3.The Tahsildar
Thiruporur Taluk
Thiruporur-603105.
- 4.The Joint Director
District Town Development Office
No.124 GST Road, Municipal Commercial Complex
Chengalpattu District.



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5.The Member Secretary
Mamallapuram Local Planning Authority
Five Rathas Shopping Complex
Venpurasam Salai
Mamallapuram - 603 104.

6.The President
Nemmili Panchayat
Thiruporur Panchayat Union
Chengalpattu District.

7.The Special Officer, Nemmeli Panchayat /
Block Development officer
Thiruporur Panchayat Union
Chengalpattu District.

8.M/s.Square Foundation LLP
No.24 DR. B.N.Road
T. Nagar Chennai – 17.

9.Deccan Estates Private Limited
24, 1st Floor, Deccan Chambers,
Dr. B. N. Road,
T. Nagar, Chennai-17.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 7 to demolish the illegally constructed enclosing wall and gate in S.No.241/14B (Part) put up by Respondents 8 and 9 and consequently to direct the respondents 1 to 7 to maintain the land in S.No.241/14B (Part) covered under the gifted deed dated 06.06.2020, registered as Document No.5316/2020 in the office of Sub-Registrar, Thiruporur as public road and maintain the said road free of any obstruction.



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For Petitioner : Mr.R.Vishnu
For R1 to R5 : Mr.E.Vijay Anand
Additional Government Pleader
For R6 and R7 : Mr.S.Prabhakaran
Government Advocate

ORDER

(Order of the Court was delivered by V.M.VELUMANI, J.)

The present Writ Petition is filed for a direction to the respondents 1 to 7 to demolish the illegally constructed enclosing wall and gate in S.No.241/14B (Part) put up by respondents 8 and 9 and consequently to direct the respondents 1 to 7 to maintain the land in S.No.241/14B (Part) as public road and maintain the said road free of any obstruction.

2. By consent of both the learned counsel appearing for the petitioner and Mr.E.Vijay Anand, learned Additional Government Pleader, who takes notice for the respondents 1 to 5 and Mr.S.Prabhakaran, learned Government Advocate, who takes notice for the respondents 6 and 7, the Writ Petition is taken up for final disposal at the admission stage itself.



3. Heard the learned counsel appearing for the petitioner, learned Additional Government Pleader appearing for the respondents 1 to 5 as well as learned Government Advocate appearing for the respondents 6 and 7 and perused the entire materials on record.

4. According to the petitioner, the respondents 8 and 9 are owners of the property in S.No.241/14B (Part) adjacent to the petitioner's property. The respondents 8 and 9 formed a layout in the said property and after getting approval of layout, the respondents 8 and 9 gifted the property to an extent of 40 feet by way of Gift Deed dated 06.06.2020 bearing Document No.5316 of 2020 in favour of the 6th respondent for forming the road by the 6th respondent/Nemmili Panchayat for public use. After gifting the land and getting approval, the respondents 8 and 9 have put up compound wall and gate and locked the road preventing the public including the petitioner from using the said road. The petitioner gave a representation dated 22.09.2022 and 08.10.2022 to the respondents 1 to 7 for removal of illegal construction of compound wall and gate put up by the respondents 8 and 9. On receiving the said representation, the 4th respondent by proceedings dated 31.10.2022 directed the respondents 6 and 7 to maintain the road for being used as per the gift deed. The 4th



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respondent also directed the respondents 6 and 7 to send the action taken report to the 4th respondent. Now, the grievance of the petitioner is that the respondents 6 and 7 failed to take action as per the instructions given by the 4th respondent.

5. Even though the petitioner is seeking a larger relief for removal of the compound wall and gate put up by the respondents 8 and 9, it is suffice that direction is given to the respondents 6 and 7. Accordingly, the respondents 6 and 7 are directed to comply with the instructions given by 4th respondent after hearing the petitioner as well as respondents 8 and 9, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
01.02.2023

Index : Yes / No
Neutral Citation : Yes / No
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and
R.HEMALATHA, J.

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To

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